

REMARKS

After entry of the above amendments, the claims pending in the subject application are 1-31.

Reconsideration of claims 1-31 is respectfully requested, and a withdrawal of the objection to the Specification, and of the 35 U.S.C. §§102(b), 103(a) and 112 rejections, based upon the amendments and remarks herein.

Specification

Paragraph 61 on page 10 was objected to because of typographical errors with respect to the reference numerals for the gasket and the fitting. Applicant have corrected these to recite gasket 68 and fitting 66. A reference was also added in that paragraph to Fig. 17, in which gasket 68 is shown.

35 USC 112 Rejection

Claims 1, 18, 28 and 31 were rejected under 35 USC 112 second paragraph for reasons of record on page 2 of the Office Action. Applicants have deleted the allegedly indefinite “relative terms” and recited the originally recited features in each of those claims in more definite language. Further non-narrowing claim amendments have been made to provide antecedent support for claim terminology and better reading of the claims.

35 USC 102(b) Rejection

Claims 1, 4-15, 19-22, and 24-31 were rejected under 35 USC 102(b) over USPN 5,933,702 to Goswami for reasons of record on pages 3-6 of the Office Action. Applicants respectfully traverse.

Goswami discloses devices adapted for use within HVAC systems of buildings or as stand-alone units for disinfecting air containing microorganisms having a duct through which the air is moved; a blower connected to the duct to move the air therethrough; and a filter medium contained within a HEPA filter or a microporous filter, capable of trapping bioaerosols to be contacted with an air stream containing microorganisms.

Independent claims 1, 25 and 31, as currently amended, recite the following:

1. A modular, adjustable, portable, food sanitation hood system, comprising: a hooded means for subjecting food to sanitizers including UV light, ozone and hydroxyl radicals, having: one or more UV light sources; and one or more target rods located under the hooded means in optical proximity to the UV light sources;  
wherein the hooded means is adapted for facing the surface of the food to be sanitized.
25. A food sanitation hood, comprising: means for subjecting food to sanitizing radiation; means for subjecting food to ozone; and means for subjecting food to hydroxyl radicals; whereby the food is subjected to the radiation, the ozone and the hydroxyl radicals generally simultaneously;  
wherein the hood is adapted for facing the surface of the food to be sanitized.
31. A method for sanitizing food utilizing a modular, adjustable, portable, hood system, comprising exposing of a food surface simultaneously to UV light, ozone, and hydroxyl radicals;  
wherein the hood system comprises hooded means adapted for facing the surface of the food to be sanitized.

Goswami, being directed to a device for disinfecting air, fails to anticipate a food sanitation system having a hood or hooded means that are adapted for facing the surface of the food to be sanitized, regardless of whether the radiation is emitted downward or upward, such as in one claimed embodiment, through an assembly line. For support for these remarks and this recitation, underlined for emphasis, see the Specification at paragraphs 47 and 54.

In order to sanitize food, it is not sufficient merely to sanitize the air around the food. The surface of the food, generally uneven and porous, to which microorganisms may adhere, must also be sanitized. Goswami teaches that the device appropriate for disinfecting air has a blower for moving air through the device, and a filter for trapping bioaerosols. A blower fan would be inappropriate for moving food through a sanitation device, where a conveyor is conventionally the mode of transporting food product through the device as well as the production and packaging operations. Likewise, use of a HEPA or microporous filter is inappropriate for use in sanitation of, particularly solid, food products.

Applicants therefore respectfully traverse the Office Action allegation that the sanitation of air is anticipatory of the sanitation of food, or that the devices and methods therefor are analogous. For the reasons set forth above, it is respectfully submitted that independent claims 1, 25 and 31, and the claims which depend therefrom, are neither anticipated nor suggested by Goswami, and therefore such claimed subject matter is patentable over Goswami.

Applicants traverse the allegations of the Office Action with respect to dependent claims 4-15, 19-22, 24, and 26-30, and do not waive the right to reply to the same if such rejection is maintained. As these claims depend ultimately from independent claims 1 and 25 and contain their recitations, it is respectfully submitted that these dependent claims are also patentable over Goswami for the reasons set forth above.

### 35 USC 103(a) Rejections

Claims 2 and 3 are rejected under 35 USC 103(a) over USPN 5,933,702 to Goswami, in combination with the disclosure of the EPA reference, for reasons of record on pages 6-7 of the Office Action. Applicants respectfully traverse, and do not waive the right to reply to the same if such rejection is maintained.

Goswami has been discussed by Applicants above. The cited EPA Guidance Manual page 8-1 discusses Ultraviolet Radiation. The inadequacies of Goswami to anticipate or suggest claim 1, set forth above, are not compensated by the disclosure of EPA. Goswami discloses methods and devices for disinfecting air, which are inappropriate for sanitizing food. As claims 2 and 3 are dependent upon claim 1 and contain the recitations of claim 1, it is respectfully submitted that these dependent claims are also patentable over Goswami in combination with the EPA reference.

Claims 16-18 are rejected under 35 USC 103(a) over USPN 5,933,702 to Goswami, in view of Bigelow, USPN 6,500,387, for reasons of record on page 7 of the Office Action. Applicants respectfully traverse, and do not waive the right to reply to the same if such rejection is maintained.

Goswami has been discussed by Applicants above. Bigelow discloses an air actinism chamber apparatus and method, for the irradiation of air. Rather than compensating for the inadequacies of Goswami, Bigelow has those same deficiencies. Bigelow, whether taken alone or in combination with Goswami, does not suggest a food sanitation system having a hood or hooded means adapted for facing the surface of the food to be sanitized, regardless of whether the radiation is emitted downward or upward, such as in one claimed embodiment, through an assembly line.

Claims 16-18 depend ultimately from claim 1 and contain the recitations of claim 1. It is respectfully submitted that these dependent claims are also patentable over Goswami in combination with Bigelow, in view of the remarks presented above.

Claim 23 is rejected under 35 USC 103(a) over USPN 5,933,702 to Goswami, in view of Kozlowski, USPN 6,193,939, for reasons of record on page 7 of the Office Action. Applicants respectfully traverse, and do not waive the right to reply to the same if such rejection is maintained.

Goswami has been discussed by Applicants above. Kozlowski discloses an apparatus for ultraviolet treatment of a liquid, by immersion of an ultraviolet lamp and ballast assembly in the liquid. The inadequacies of Goswami to anticipate or suggest claim 1, set forth above, are not compensated by the disclosure of Kozlowski. Goswami discloses methods and devices for disinfecting air, which are inappropriate for sanitizing food. Kozlowski, directed to treating liquids in which ultraviolet lamps are immersed, fails to supply the deficiencies of Goswami.

Kozlowski, whether taken alone or in combination with Goswami, does not suggest a food sanitation system having a hood or hooded means adapted for facing the surface of the food to be sanitized, regardless of whether the radiation is emitted downward or upward, such as in one claimed embodiment, through an assembly line.

As claim 23 is dependent ultimately on claim 1 and contains the recitations of claim 1, it is respectfully submitted that this dependent claim is also patentable over Goswami in combination with Kozlowski.

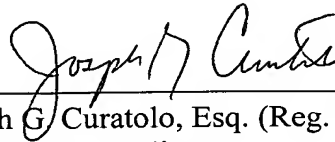
Applicants therefore request that the 35 USC 102(b), 103(a), and 112 rejections of claims 1-31 be withdrawn.

All amendments to the Specification and claims derive support from the application as filed, and no new subject matter is requested to be entered by this Response.

In view of the foregoing amendments and remarks, favorable action on the merits, including entry of all amendments and allowance of claims 1-31, respectfully is requested.

Should the Examiner have any questions about the above amendments or remarks, the undersigned attorney would welcome a telephone call.

Respectfully submitted,



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